

IT IS ORDERED as set forth below:

Date: April 30, 2012



Wendy L. Hagenau

**Wendy L. Hagenau
U.S. Bankruptcy Court Judge**

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CASE NO. 11-51844-WLH
)	
MARK A. RICHARDS,)	CHAPTER 7
)	
Debtor.)	JUDGE WENDY L. HAGENAU
)	

**ORDER ON MOTION TO RE-OPEN CHAPTER 7 CASE
AND FOR ORDER OF ABANDONMENT**

The Debtor's *pro se* Motion to Re-Open Chapter 7 Case and Motion for Order of Abandonment came before the Court for hearing on April 26, 2012, at 10:30 a.m. The Debtor appeared *pro se*, Martha Miller, the trustee, appeared, and Mary C. DeCamp appeared on behalf of D.R. Horton, Inc.. After reviewing the Motion, the entire case and the arguments of the parties, the Court hereby finds as follows:

The Debtor filed his bankruptcy petition on January 24, 2011. In his schedules, the Debtor disclosed a potential fraud and breach-of-contract claim against his homebuilder in an estimated amount of \$250,000.00. Ms. Miller stated at the hearing she discussed the potential

lawsuit with the Debtor, analyzed the merits of the lawsuit, and determined the Trustee would not pursue the lawsuit. Consequently, on April 25, 2011, Ms. Miller filed her Report of No Distribution. The Court subsequently discharged Mr. Richards and closed the case on July 19, 2011.

Pursuant to 11 U.S.C. § 554(c), “any property scheduled under Section 521(a)(1) of this title not otherwise administered at the time of the closing of the case is abandoned to the debtor and administered for purposes of Section 350 of this title.” Since the Debtor’s cause of action against D.R. Horton, Inc. was disclosed in his schedules, and not otherwise administered by the Trustee, at the time the case was closed on July 19, 2011, the cause of action was abandoned by the Trustee to the Debtor, and he, and he alone, had standing from that date forward to pursue the cause of action. Having listed the cause of action in his schedules, the asset has been administered.

It is hereby ORDERED that the case is NOT re-opened;

ORDERED FURTHER that, by operation of 11 U.S.C. § 554(c), the Debtor’s cause of action against D.R. Horton, Inc. was abandoned to the Debtor on July 19, 2011, is presently vested in the Debtor and Debtor alone, and only the Debtor has the right to pursue this cause of action. The bankruptcy estate has no further interest in it.

END OF ORDER

DISTRIBUTION LIST

Mark A. Richards
1861 Windsor Creek Drive
Conyers, GA 30094

Robert J. Semrad & Associates, LLC
101 Marietta Street, Suite 3600
Atlanta, GA 30303

Martha A. Miller
Schulten Ward & Turner LLP
260 Peachtree Street NW, Suite 2700
Atlanta, GA 30303

Mary C. DeCamp
Leitner Williams Dooley & Napolitan
801 Broad Street, Third Floor
Chattanooga, TN 37402

Certificate of Notice Page 4 of 5
United States Bankruptcy Court
Northern District of Georgia

In re:
Mark A. Richards
Debtor

Case No. 11-51844-wlh
Chapter 7

CERTIFICATE OF NOTICE

District/off: 113E-9

User: benningto
Form ID: pdf466

Page 1 of 2
Total Noticed: 5

Date Rcvd: Apr 30, 2012

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 02, 2012.

db	+Mark A. Richards, 1861 Windsonr Creek Dr., Conyers, GA 30094-5833
aty	+Jessica L. Casto, Robert J. Semrad & Associates, LLC, Suite 3600, 101 Marietta St., Atlanta, GA 30303-2716
aty	+Ronica R. Scales, Robert J. Semrad & Associates, Suite 3600, 101 Marietta St., NW, Atlanta, GA 30303-2716
tr	Martha A. Miller, Martha A. Miller, PC, Suite 2700, 260 Peachtree Street, NW, Atlanta, GA 30303-1240
	+Mary C. DeCamp, Leitner Williams Dooley & Napolitan, 801 Broad Street, Third Floor, Chattanooga, TN 37402-2668

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 02, 2012

Signature:



District/off: 113E-9

User: benningto
Form ID: pdf466

Page 2 of 2
Total Noticed: 5

Date Rcvd: Apr 30, 2012

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 30, 2012 at the address(es) listed below:

Jessica L. Casto on behalf of Debtor Mark Richards jcasto@robertjsemrad.com,
rjsatlcourtdocs@gmail.com
Martha A. Miller mam@swtlaw.com;mam@trustesolutions.com
Office of the United States Trustee ustpreion21.at.ecf@usdoj.gov
Ronica R. Scales on behalf of Debtor Mark Richards RScal@RobertJSemrad.com,
rjsatlcourtdocs@gmail.com

TOTAL: 4